

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

SALVATORE ROMANO, *pro se*,
Plaintiff

v.

PATRICIA A. COYNE-FAGUE, in her individual
capacity and official capacity as Director of the Rhode
Island Department of Corrections; **ET AL.**,
Defendants

C.A. No. 1:19-cv-00370-WES-LDA

STATE DEFENDANTS' RULE 16 CONFERENCE STATEMENT

NOW COME Defendants, Director, Patricia A. Coyne-Fague, in her individual capacity and official capacity as Director of the Rhode Island Department of Corrections (“RIDOC”);¹ Linda Amado, in her individual capacity and official capacity; Christine Robinson, in her official capacity only; Warden Anthony Grassini, in his official capacity only; Chief Inspector Robert Catlow, in his official capacity as Chief of the RIDOC Office of Inspections; Chief Investigator Steve Cabral, in his individual capacity and official capacity as Chief of the RIDOC Special Investigations Unit; Investigator; Paul Bibeault, in his individual capacity and official capacity; Investigator Joseph Fogue, in his official capacity only; Investigator William Begones, in his official capacity only; Investigator Allen Raposo, in his individual capacity and official capacity; Captain Michael Lanoway, in his official capacity only; Lieutenant Robert Sayles, in his individual capacity and official capacity; Lieutenant Joshua Macomber, in his official capacity only; Lieutenant Tiffini Isom, in her official capacity; Lieutenant William Galligan, in his individual

¹ Pursuant to Fed. R. Civ. P. 25(d), Patricia Coyne-Fague, in her official capacity as Director of the Rhode Island Department of Corrections, is automatically substituted in place of former-Director Ashbel T. Wall in his official capacity.

capacity and official capacity; Lieutenant James O’Grady, in his individual capacity and official capacity; Correctional Officer Matthew Nichols, in his individual capacity and official capacity; Correctional Officer William Lafleur, in his individual capacity and official capacity; Correctional Officer Avelino Duarte, in his individual capacity and official capacity; Correctional Officer John Douglass, in his official capacity only; Correctional Officer Gerard Grandpre, in his individual capacity and official capacity; Correctional Officer Michael Rodrigues, in his individual capacity and official capacity; Correctional Officer Thomas Vincent, in his official capacity only; Correctional Officer Jovanny Nunez, in his individual capacity and official capacity; Correctional Officer John Shimkus, in his individual capacity and official capacity; Correctional Officer Matthew Lombardo, in his individual capacity and official capacity; Matthew Kettle, in his individual capacity and official capacity as former-Assistant Director of RIDOC; James Weeden, in his official capacity as former-Assistant Director of RIDOC; Jeffrey Aceto, in his individual capacity and official capacity as former-Warden; Frank Levesque, in his individual capacity and official capacity as a former-Investigator; Lance Waite, in his official capacity as a former-Correctional Officer; Officer Joseph DiNitto, in his official capacity as a former-Correctional Officer; Colonel James Manni, in his official capacity as Superintendent of the Rhode Island State Police (“RISP”);² Detective Stephen Brown, in his individual capacity and official capacity; Daniel J. McKee, in his official capacity as Governor of the State of Rhode Island;³ Gina M. Raimondo, in her individual capacity; Judy Green, in her official capacity only; Attorney General, Peter F.

² Pursuant to Fed. R. Civ. P. 25(d), Colonel James Manni, in his official capacity as Superintendent of the Rhode Island State Police, is automatically substituted in place of former-Colonel Ann C. Assumpico, in her official capacity.

³ Pursuant to Fed. R. Civ. P. 25(d), Governor McKee is automatically substituted in place of former-Governor Raimondo.

Neronha, in his official capacity only⁴ (collectively, “State Defendants” or the “State”) and respectfully submit this Rule 16(b) Conference Statement in this civil action filed by Plaintiff Salvatore Romano, *pro se* (“Romano” or “Plaintiff”).

I. SUMMARY OF THE FACTS OF THE CASE

Romano is an inmate presently incarcerated at the Adult Corrections Institute (“ACI”) and housed in the Intake Services Center. The Amended Complaint concerns an incident that occurred while Romano was housed at the maximum-security facility in July 2017, whereby several inmates carried out an attack on Romano in the recreation yard, tackling him to the ground and cutting and stabbing him multiple times with concealed edge-weapons and a sharpened metal rod. Correctional Officers quickly responded, deployed OC spray at the assailants, and took them into custody. RIDOC medical staff triaged Romano, who appeared to have sustained severe lacerations to his head, face, and torso, as well as puncture wounds to his back and side, until he was able to be transported to Rhode Island Hospital for further medical treatment. After returning to the ACI from Rhode Island Hospital, Romano was placed in administrative confinement for his safety and subsequently transferred to protective custody.

Members of the State Police Major Crimes Unit and the RIDOC Special Investigations Unit conducted a thorough investigation of the attack on Romano. In February 2018, the State charged the three (3) inmates involved in the attack with assault with a dangerous weapon, felony assault, conspiracy, carrying concealed weapons, and disorderly conduct. *See State of Rhode Island v. Justin Santerre*, C.A. No. P2-2018-0403A (R.I. Super. Ct. judgment entered July 24,

⁴ Pursuant to Fed. R. Civ. P. 25(d), Attorney General Peter F. Neronha, in his official capacity, is automatically substituted in place of former-Attorney General Peter F. Kilmartin, in his official capacity.

2020); *State of Rhode Island v. Brian Audette*, C.A. No. P2-2018-0403B (R.I. Super. Ct. judgment entered Jan. 22, 2019); *State of Rhode Island v. Jeffery Wilson*, C.A. No. P2-2018-0403C (R.I. Super. Ct. judgment entered July 17, 2020).

II. PARTIES

The Amended Complaint names numerous current and former State officials, officers, and employees from the Rhode Island Department of Corrections, the Rhode Island State Police, the Office of the Governor, and the Office of the Attorney General, in addition to five (5) inmates that Romano alleges were involved in the attack: Inmate Brian Audette, Inmate Richard Duponte, Inmate Justin Setterre, Inmate Constantino Nardolillo, and Inmate Jeffrey Wilson.⁵

III. LEGAL ISSUES

Although the basis for many of Plaintiff's claims is unclear, the Amended Complaint alleges a variety of federal claims for 42 U.S.C. § 1983 violations of the First, Fifth, Eighth, and Fourteenth Amendments, as well as state tort claims for Negligence, False Imprisonment, and claims for "obstruction of justice", "larceny", and "violations of restraining orders". It appears that the majority of Romano's legal claims concern the attack itself, but also involve the investigation of the attack, and Romano's placement into protective custody. Many legal claims, however, appear to be unrelated and unconnected to the numerous State Defendants named in the Amended Complaint.

IV. RELIEF

The Amended Complaint seeks declaratory and injunctive relief as well as punitive and compensatory damages totaling \$2.702 million.

⁵ It does not appear that the inmates that Romano names as co-defendants have been served in this case.

V. PROPOSED SCHEDULE

Subject to the Rule 16 Conference with the Honorable Court and the Court's approval, State Defendants seek a 12-month period to conduct fact discovery followed by a 30-day/30-day/30-day time period for expert discovery.

Respectfully Submitted,

STATE OF RHODE ISLAND,
By:

PETER F. NERONHA
ATTORNEY GENERAL

/s/ Justin J. Sullivan
Justin J. Sullivan (#9770)
Special Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
150 South Main St. Providence, RI 02903
Tel: (401) 274-4400 | Ext. 2007
Fax (401) 222-2995
jjsullivan@riag.ri.gov

CERTIFICATE OF SERVICE

I hereby certify that on Thursday, February 10, 2022 I filed the within document via the ECF filing system and that a copy is available for viewing and downloading. I further certify that on Thursday, February 10, 2022 I mailed a true and accurate copy of the within document via U.S. First Class mail, postage prepaid, to the following:

Salvatore Romano (state prisoner #70936)
Adult Correctional Institute
P.O. Box 8249
Cranston, RI 02920

/s/Justin J. Sullivan